

**COX, WOOTTON, GRIFFIN,  
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Attorneys for Defendants  
DAN ROBIN CATALANO and the  
Unnamed sailing vessel, Hull # CFZ0237TC700 &  
CF #0237TP

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

MORELLI TAYLOR SPORTFISHING &  
MARINE SUPPLY, LLC, a California  
Limited Liability Company d.b.a. LEO'S  
SPORTFISHING,

Plaintiff,

vs.

DAN ROBIN CATALANO, an individual,  
*in personam*, Unnamed Sailing Vessel, Hull  
#CFZ0237TC700 & CF #0237TP, *in rem*,  
and Does 1-100, inclusive

Defendants.

Case No.: C07-04947

**NOTICE OF MOTION AND  
MOTION TO VACATE THE ORDER  
OF ARREST**

**Date: October 9, 2007  
Time: 10:30 a.m.  
Courtroom: 2, 5<sup>th</sup> Floor  
Hon. Howard R. Lloyd**

Pursuant to Rule E(4)(f) of the Supplemental Rules for Admiralty or Maritime  
Claims, Defendants, DAN ROBIN CATALANO ("Catalano") and the Unnamed Sailing  
Vessel, Hull #CFZ0237TC700 & CF #0237TP (the "Vessel"), hereby give notice that,  
pursuant to Local Admiralty Rule 4-8, October 8, 2007, in Courtroom 9, Nineteenth Floor,  
Federal District Court, San Francisco, California, they will move for an order vacating the  
September 25, 2007, Order for Arrest in this matter.

The bases for this motion are as follows:

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CAT:Bucanect/2542

1           1.       This Court does not have subject matter jurisdiction over this claim because,  
2       at all times relevant to this action, the Vessel has been under construction, and there is no  
3       federal admiralty jurisdiction over a contract to construct or assist in the construction of a  
4       new vessel;

5           2.       The Verified Complaint fails to properly plead the existence of a maritime  
6       lien;

7           3.       The plaintiff's allegations in his Verified Complaint are fabricated and  
8       fraudulent; and

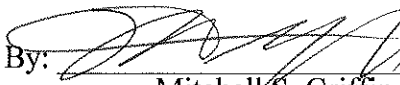
9           4.       Given the false claims and that the Vessel is Catalano's primary residence, his  
10      only substantial asset and source of potential income, justice and equity demand that the  
11      Vessel be released.

12          5.       Alternatively, if the Court does not vacate the Order of Arrest at this point, the  
13      Court should set an appropriate amount for security to be placed into Court in lieu of the  
14      Vessel, and that upon such deposit, the Vessel be released.

15          This Motion is based on this Notice of Motion and Motion to Dissolve Order of  
16      Arrest, the attached Memorandum of Points and Authorities, the Declaration of Dan Catalano  
17      in Support of Defendants' Motion and the attached exhibits, and the pleadings and all files  
18      and materials that make up the record in this matter.

19      Dated: October 3, 2007

COX, WOOTTON, GRIFFIN,  
HANSEN & POULOS, LLP  
Defendants DAN ROBIN CATALANO and  
the Unnamed sailing vessel, Hull #  
CFZ0237TC700 & CF #0237TP

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21  
22  
23  
24  
25      By:   
            Mitchell S. Griffin  
            Max L. Kelley

26      COX, WOOTTON,  
27      GRIFFIN, HANSEN  
28      & POULOS LLP

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**PROOF OF SERVICE**

Case: ***Morelli Taylor Sportfishing & Marine Supply, LLC v.  
Dan Robin Catalano, et al.***

Case No.: **USDC, Northern District, Case No.: C-07-04947**

I am employed in the City and County of San Francisco by the law firm of COX, WOOTTON, GRIFFIN, HANSEN & POULOS, LLP, 190 The Embarcadero, San Francisco, California 94105. I am over the age of 18 years and not a party to the within action.

On October 3, 2007, I served the attached document(s):

**NOTICE OF MOTION AND MOTION TO VACATE ORDER OF ARREST**

on the parties, through their attorneys of record, by placing copies thereof in sealed envelopes (except facsimile transmission(s)), addressed as shown below, for service as designated below:

(A) By First Class Mail: I caused each such envelope, with first-class postage thereon fully prepaid, to be deposited in a recognized place of deposit of the U.S. mail in San Francisco, California, for collection and mailing to the addressee on the date indicated.

(B) By Personal Service: I caused each such envelope to be personally delivered to the addressee(s) by a member of the staff of this law firm on the date indicated.

(C) By Messenger Service: I caused each such envelope to be delivered to a courier employed by NATIONWIDE LEGAL, with whom we have a direct billing account, who personally delivered each such envelope to the addressee(s) on the date indicated.

(D) By Federal Express: I caused each such envelope to be delivered to Federal Express Corporation at San Francisco, California, with whom we have a direct billing account, to be delivered to the addressee(s) on the next business day. I deposited each such envelope/package at the Three Embarcadero Center location of Federal Express Corporation.

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DMU:Goldsworthy2416

(E) By Facsimile: I caused such document to be served via facsimile electronic equipment transmission (fax) on the party(ies) in this action by transmitting a true copy to the following fax numbers:

<i>SERVICE</i>	<i>ADDRESSEE</i>	<i>PARTY REPRESENTED</i>
C	Joseph W. McCarthy 400 Reed Street P.O. Box 58032 Santa Clara, CA 95050 Tel: (408) 727-4111 Fax: (408) 727-4343	Attorneys for Plaintiff Morelli Taylor Sportfishing & Marine Supply, LLC

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that I am employed in the office of a member of the bar of this court at whose direction the service was made. Executed this October 3, 2007, at San Francisco, California.

  
Zoe Conner

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IMJ.Goldsworthy/2416